

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, OCTOBER 6, 2005
8:30 A.M.**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Patricia Owen, Chief Deputy County Clerk

The Chair opened the meeting at 8:34 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES OF TUESDAY,
OCTOBER 4 , 2005; MEETING WITH VILLAGES & CITY OF WAVERLY,
TUESDAY, SEPTEMBER 13, 2005**

MOTION: Stevens moved and Schorr seconded to approve the minutes from the meeting with Lancaster County Villages and the City of Waverly on Tuesday, September 13, 2005. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

Minutes of the Staff Meeting of Tuesday, October 4th, 2005 are unavailable for review at this time.

2 ADDITIONS TO THE AGENDA

- A. Salary Survey for Elected Officials
- B. Enterprise Zone Meeting
- C. Draft NACO Resolution

MOTION: Workman moved and Schorr seconded to add the three items to the agenda. Schorr, Workman, Heier, Stevens and Hudkins voted aye. Motion carried.

A. Salary Survey for Elected Officials

Eagan reported that he would like Personnel to send out a salary survey to the appropriate comparable counties to assist the Elected Officials Salary Committee in making their recommendations. The NACO salary survey would be used as well.

MOTION: Stevens moved and Heier seconded to authorize Kerry to request the Personnel Department conduct a salary survey of comparable counties. Workman, Heier, Stevens, Schorr and Hudkins voted aye. Motion carried.

B. Enterprise Zone Meeting

Workman briefed the Board on the upcoming Enterprise Zone Meeting to be held on October 6th, at 7:00 p.m. at Mahoney State Park. Workman planned to attend. Hudkins indicated that City Councilman Ken Svoboda had expressed interest as well in serving as an officer.

C. Draft NACO Resolution

Workman distributed a draft resolution (Exhibit B) that encouraged the Nebraska Association of County Officials (NACO) to create a task force to craft legislation that would seek an increase in, or a reallocation of, the Nebraska motor fuels tax to provide more revenue for construction and maintenance of roads.

MOTION: Heier moved and Workman seconded to authorize Bob Workman to introduce to NACO, on the Board’s behalf, a Resolution regarding proposed legislation for an increase or reallocation of the motor fuels tax. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

Stevens requested clarification of the purpose of the resolution and revision of the wording of the resolution to include the statement, ‘Now, therefore, be it resolved that the Lancaster County Board of Commissioners urges the Nebraska Association of County Officials (NACO) to pursue.....’.

MOTION: Heier moved and Schorr seconded to have all Board members sign the Resolution incorporating the changes agreed upon, and to send a copy to Larry Dix at NACO. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

Schorr stated that she wants to be clear that this is not the only revenue source that the Board is interested in and that legislation for a county wheel tax is also of interest as a funding mechanism.

3 REQUEST FOR PROPOSAL FOR JAIL ARCHITECTURAL PLANS- Mike Thurber, Corrections Director; Kathy Smith, Asst. Purchasing Agent

Thurber briefed the Board on the progress being made on the use of inmate labor to install rural addressing signs. Thurber indicated that approximately 40 signs per day were being installed, with a goal of 1000 signs being completed prior to the onset of winter.

Thurber and Smith discussed the draft RFP document for Pre-Architectural Planning Services for Lancaster County Corrections. Thurber indicated the document provides guidelines including requests for initial costs estimates and economic feasibility of the project, scope of services, bed forecasting and support service needs. Smith indicated that part of this process would be a negotiation for a final scope of services for the project.

Smith indicated that the County will be asking for a fixed, not-to-exceed price and that a list of possible proposers has been compiled and the document will be available to download on the Internet as well.

Heier stated that as a part of this process decisions need to be made regarding the types of cells constructed. Heier questioned whether all should be maximum security cells, or just a portion and if an off-site campus of maximum security cells was an option.

Stevens questioned what the RFP time frame would be to receive responses.

Smith indicated that they would be holding a pre-submission conference and site visit for those who may submit proposals. She anticipates approximately six weeks from the date of advertising to the receipt of proposals. A committee will be formed to review the proposals. Thurber stated that they are tentatively planning on a six month process for a pre-architectural design to come forward once a firm has been selected.

In response to discussion regarding the composition of the selection committee, Thurber indicated that a representative from Jail Standards would not be able to serve. He did request that a letter be signed, on behalf of the Board, that would be sent to Jail Standards immediately outlining the County's progress on this process, as the County works toward jail standards compliance.

Stevens stated that it would be a good idea for the County Board Chair and also the Chair of the Corrections Board to both sign the letter to Jail Standards.

Smith indicated that the County Attorney's office has requested a few changes to the proposed RFP prior to release of the document:

- To correct the spelling of "Pre-Archetectoral" on the third "Whereas" on page eighteen.
- To correct the spelling of "fo" to "of" on 3.2 (page nineteen).
- To remove Section 3.4 (page nineteen) referencing records and capital asset data.
- Add "the" before County Staff to be consistent with 4.4 (page twenty).

MOTION: Heier moved and Workman seconded to approve the proposed RFP for Pre-Architectural Planning Services, with the noted corrections, and to approve the Chair of the Lancaster County Board and Chair of the Corrections Board to sign a letter on the County's progress toward compliance to be sent to Jail Standards. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

4 PERSONNEL RECLASSIFICATION- Terry Wagner, Sheriff

Wagner appeared before the Board and presented a document regarding Court Officers (Exhibit A). Wagner indicated that currently Court Officers are handling duties such as title inspections, acting as a second person with a commissioned deputy for court room security, and extradition or inter-facility transports to state institutions, court, Youth Detention Center or McCook.

Wagner indicated that the duties have been curtailed due to County Attorney concerns. Wagner stated that Court Officers would be eliminated over time through attrition and replacement of the position would be with a Deputy Sheriff.

Wagner stated that one of the existing five Court Officers has announced his resignation and requested the Board allow for the elimination of this Court Officer position and the subsequent addition of a Deputy Sheriff.

Chief Deputy Bill Jarrett indicated that the underlying issue was the legal authority between commissioned and non-commissioned officers and the duties they were allowed to perform.

MOTION: Heier moved and Stevens seconded authorization for the Sheriff's department to eliminate one Court Officer position, replacing the position with a commissioned Deputy Sheriff. Heier, Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

5 RESIGNATION OF YOUTH SERVICES DIRECTOR DENNIS BANKS- Dennis Banks, Youth Services Director

Dennis Banks, Youth Services Director, appeared to formally submit his resignation and to express his appreciation to the Board and others for their support. Bank stated it was his desire to work on the preventative side of the process rather than the backside after problems have occurred.

Banks stated that January 1st, 2006 would be his last day on the job and indicated his willingness to help in any transition. Bank expressed his support for Michelle Schindler as his replacement.

Banks introduced Alicia Boss, who is currently being trained to work in the interim as a replacement for Administrative Officer Judy Foote, who submitted her resignation effective October 21st.

MOTION: Stevens moved and Schorr seconded to accept the resignation of Dennis Banks as Director of the Youth Services Center effective January 1, 2006. Workman, Heier, Stevens, Schorr and Hudkins voted aye. Motion carried.

6 POTENTIAL AND PENDING LITIGATION- Kristy Mundt, Deputy County Attorney

MOTION: Workman moved and Heier seconded to enter into Executive Session to discuss potential and pending litigation at 9:30 a.m.

MOTION: Stevens moved and Schorr seconded to exit Executive Session at 9:41 a.m.

7 PRELIMINARY DESIGN WORK FOR EAST BELTWAY- Jim Linderholm, HWS Consulting, Chairman; Randy Caster, Project Design Engineer; Roger Figard, City Engineer

Linderholm discussed the process of East Beltway corridor protection indicating that the current broad concept of what would be needed to protect that area from development would be narrowed through additional engineering. Linderholm stated that it was easy for the public to misunderstand the process when too broad an area is identified.

Caster indicated that the corridor refinement process helps in avoiding purchasing right of way too early just to protect the area from development. When the dollars become available the corridor has not been lost and the right of way does not get away or require additional costs.

Discussion was held on the location and spacing of interchanges along the East Beltway corridor. Caster indicated that safety considerations show that spacing of interchanges every mile is not a good design. Caster stated that Terry Gibson, an Interstate Design Engineer with the State was also part of the decision making process on interchange spacing and that two miles between interchanges was advised in most cases.

In response to a question Figard indicated that it is the 'local authority' that is to file the corridor protection, and who would file had not been determined by the City and the County. He indicated he is waiting for guidance from the State in how to proceed with filing corridor protection, anticipating that this could be filed within a month. Linderholm stated that once the corridor has been identified, property owners in the affected area would need to be notified.

In response to a question, Figard indicated that the estimated cost for additional engineering to narrow the corridor would be in the range of \$400,000 to \$500,000. Linderholm estimated a time frame of six to nine months to complete that level of engineering.

8 ACTION ITEMS

- a. **Notice of Public Hearing for One & Six Road & Bridge Program (Nov 8th)**

Schorr indicated that she would be unable to attend on November 8th and requested optional dates. The Board was unable to confirm alternative dates with County Engineer Don Thomas and instructed Deputy Chief Administrative Officer Gwen Thorpe to confer with the County Engineer on the following meeting dates, listed by preference: November 15th, November 9th and November 8th.

- b. **Safety Paycheck Insert from Sue Eckley, Risk Manager and Workmen's Compensation Manager, for October 20, 2005**

MOTION: Stevens moved and Heier seconded to authorize a safety paycheck insert on October 20, 2005. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

- c. **Request from Raymond Fire District for Additional Appropriation of \$867.59**

MOTION: Heier moved and Schorr seconded denial of the request of the Raymond Fire District for \$867.59 in additional appropriations. Schorr, Workman, Heier and Hudkins voted aye. Stevens voted no. Motion carried.

- d. **Authorize Proceeding on General Assistance Software Rewrite**

Eagan briefed the Board on the status of the General Assistance Software rewrite indicating that the project was coming in approximately \$20,000 under budget at \$42,500. Eagan stated that completion of the project was expected in five or six months.

MOTION: Schorr moved and Stevens seconded to authorize payment of \$42,500 for the General Assistance Software rewrite project. Stevens, Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

9 ADMINISTRATIVE OFFICER REPORT

- a. **Microcomputer Policy**

Thorpe reported that the policy was not ready for approval at this time.

- b. **Heath Department Expenditure of ADM Settlement Funds**

Discussion was held on the Health Department's request for use of the ADM settlement funds.

MOTION: Schorr moved and Stevens seconded approval of the proposed uses of the ADM settlement funds as outlined by the Health Department. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

c. Sale of Real Property at 7000 North 27th Street

Eagan reported that an offer of \$2000 has been made for the property. Eagan indicated a quit claim deed would need to be drafted for a Tuesday meeting as well if the offer is accepted by the Board.

MOTION: Workman moved and Stevens seconded to accept the offer of \$2000 and to direct the County Attorney's office to prepare a quit claim deed. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried.

d. Membership of General Assistance Committee

Schorr discussed the intended size of the committee, indicating that not only committee members were attending, but also additional interested parties.

Eagan indicated he will be serving on a General Assistance panel at the annual NACO meeting in Omaha.

ADDITION TO THE AGENDA: Stevens moved and Schorr seconded to add Mayor Colleen Seng and a Tiger Beetle listing update to the agenda. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

Mayor/RUTS

Mayor Colleen Seng appeared before the Board and expressed her disappointment in the Board's decision to not support the formation of the joint public agency (JPA). Seng indicated that she felt this had stalled the RUTS program during a time when addressing roads was a priority to accommodate growth.

Seng stated that the concept of an interlocal agreement was part of an early discussion, but that the JPA concept had evolved from that. She stated that the interlocal proposed by the Board did not adequately address the East Beltway issue which is critical.

Seng indicated it was inequitable for City of Lincoln residents to shoulder the majority of the financial burden for County roads, with Lincoln taxpayers paying 85% of the costs. Seng also questioned the use of RTSD funds, stating that this was in essence "robbing Peter to pay Paul". She encouraged the Board to work cooperatively with the City on this.

Hudkins clarified the Board's position indicating that the Board did support the RUTS program and had done nothing to jeopardize the program. Hudkins stated the Board had not yet identified how they preferred to fund their portion of the program. Hudkins indicated the beneficiary of the RUTS program would be the City as the County roads were to be built to standards that would allow for annexation without additional road construction costs.

Hudkins discussed the Board's reluctance to use wheel tax as a funding mechanism as that would result in a 100% new tax for County residents and only a five dollar tax increase for City residents. Hudkins stated that no decision to use RTSD funds had been made.

Workman stated that with the wheel tax the City's ninety-one percent of the population would fund 50% of the program, with the County's nine percent also funding 50% of the program. Workman indicated the use of property tax allowed for an eighty-five percent City and fifteen percent County split. Workman indicated his discomfort with the creation of another taxing entity that could not easily be eliminated.

Stevens stated that the creation of a JPA gives the broadest latitude to determine what is best to accomplish RUTS and the East Beltway. Stevens stated that the creation of the JPA does not automatically create a wheel tax in Lancaster County. The County would decide how to fund their portion. He clarified that the JPA would be governed by both the County and the City, with both having veto power.

Schorr stated that road issues were the phone calls they, as Commissioners, receive the most. Schorr stated that additional revenue was needed to allow for paving of roads and that the wheel tax was another viable funding mechanism as it is 'the wheels that use the road'. Schorr indicated her discomfort with allowing the City Council to set the amount of the wheel tax for county residents. She expressed her support for the JPA concept as a governing structure to move forward with this program. Schorr indicated her desire to work in the upcoming Legislative session to get authority for counties to implement their own wheel tax to address county road concerns.

Heier indicated his support of the use of an interlocal for this program, stating that interlocal agreements had worked well in the past. Heier stated that it was possible for the Board to amend the interlocal to address the East Beltway issue. He stressed the importance of filing corridor protection to ensure 'red flagging' of any potential development that could impact the corridor.

Mayor Seng requested that the East Beltway protection issue be amended into the interlocal agreement being crafted by the County Attorney's office.

Tiger Beetle

Thorpe briefed the Board regarding the federal designation of the inclusion of the tiger beetle an endangered species.

10 DISCUSSION OF BOARD MEMBER MEETINGS

A. Arena Task Force - Schorr

Schorr indicated that the task force will be moving onto Phase II of their work which will be assigning cost estimates to the task force recommendations. Schorr expressed her discomfort with the task force discussing the merging of the Event Center and State Fair Park and the viability of one over the other. She indicated that this was not the intent of this task force.

Hudkins reported that the replacement for the Pershing facility would be a fifteen thousand seat facility.

B. Ecological Advisory Committee- Heier

Heier distributed documentation on the sixth and seventh meeting of the Open Space Subcommittee and a draft Lancaster County Natural Areas Protection Evaluation System (Exhibit D). This is only for open spaces that currently exist.

C. LPED Investors- Hudkins

Hudkins briefed the Board on General Lempke's presentation on the importance of retaining the Air Guard and National Guard in Lincoln. Hudkins reported that the Chamber has also created a Military Affairs Committee to address these types of issues. A new high school entrepreneur program was also discussed.

D. General Assistance Monitoring Committee-Schorr

Schorr distributed a bar graph (Exhibit C) reflecting changes in general assistance pharmaceutical costs. Schorr indicated that these costs would likely not go lower than \$50,000 a month.

Heier exited the meeting at 12:08 p.m.

MOTION TO RECONSIDER: Schorr moved and Workman seconded to reconsider the previous action taken on the request from the Raymond Fire District for an additional appropriation of \$867.59. Schorr, Stevens, Workman and Hudkins voted aye. Heier was absent from voting. Motion carried.

MOTION: Schorr moved and Stevens seconded to approve the request from the Raymond Fire District for an additional appropriation of \$867.59. Schorr, Workman, Hudkins and Stevens voted aye. Motion carried.

*The Board by consensus determined that the Staff Meeting scheduled for October 27th, 2005 would begin at 9:15 a.m. to allow Board participation in the Legislative Forum Day.

*The Board by consensus determined that an additional Staff Meeting would be scheduled on Tuesday, October 11, 2005 to start at the conclusion of the regularly schedule Board of Commissioners meeting which begins at 1:30 p.m.

11 ADJOURNMENT

MOTION: Schorr moved and Workman seconded to adjourn the meeting at 12:22 p.m. Stevens, Schorr, Workman and Hudkins voted aye. Heier was absent from voting. Motion carried.

Bruce Medcalf
Lancaster County Clerk